

**REMARKS/ARGUMENTS****35 USC § 102(d)**

Claims 35-51 were rejected under 35 USC § 102(d) as being anticipated by the '840 patent. The applicant agrees in view of the Examiner's arguments and amended the claims accordingly. As amended herein, claim 35 (and claims 36 to 51 by virtue of their dependence on amended claim 35) expressly require "...a step of forming the carbonaceous mixture from the intermediate under *conditions that yield no less than 10% nanotubes...*" These elements are neither taught nor suggested by the '840 reference. Still further specific conditions are set forth in amended claim 36. Thus, and at least from this perspective, the claims should not be deemed anticipated.

According to the inventor's experience, such specific claimed conditions should also not be deemed obvious over the cited reference as varying processing conditions will greatly affect the chemical and structural composition of the resultant carbonaceous mixture. Consequently, claims 35-51 should also not be deemed obvious over the '840 reference.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

RUTAN & TUCKER

By 

Martin Fessenmaier, Ph.D.

Reg. No. 46,697

Tel.: (714) 641-5100